

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 11-0045-001
ELECTRONICALLY FILED

v.

JEREMIAH MANGHAN,

Defendant.

**ORDER OF COURT RE: PRO SE DEFENDANT'S MOTION TO ALTER OR AMEND
JUDGMENT (DOC. NO. 1381)**

On September 15, 2014, this Court denied *Pro Se* Defendant's Motion to Vacate Under 28 U.S.C. § 2255, in which Defendant moved this Court to vacate, set aside, or correct his sentence of 170 months imprisonment. Doc. No. 1373. The United States Court of Appeals for the Third Circuit affirmed Defendant's sentence on direct appeal because of Defendant's appellate waiver. Doc. No. 1329. This Court has denied similar post-sentencing motions filed by Defendant. Doc. Nos. 1333, 1336.

Presently before the Court is *Pro Se* Defendant's Motion for Reconsideration styled as a Motion to Alter or Amend Judgment. Doc. No. 1381. Defendant moves this Court to determine whether a certificate of appealability should issue because reasonable jurists would debate the merits of Defendant's underlying Motion under 28 U.S.C. § 2255. *Id.*

A certificate of appealability should not issue pursuant to 28 U.S.C. § 2253 because Defendant has not made a substantial showing of a denial of a constitutional right. As set forth more fully in the Court's Order denying Defendant's Motion to Vacate (Doc. No. 1373), Defendant pled guilty to a lesser included offense at Count I of the indictment, pursuant to a plea

agreement, and was sentenced by this Court to 170 months imprisonment, which was below the applicable advisory guideline range of 210 to 262 months imprisonment. This Court conducted an extensive colloquy prior to Defendant's change of plea and sentencing hearings and found that Defendant knowingly and voluntarily waived his right to a jury trial and his right to appeal his sentence except in certain specific circumstances, which do not apply. Therefore, Defendant has not demonstrated that reasonable jurists would find the Court's denial of his Motion to Vacate debatable or wrong.

AND NOW, this 20th day of October, 2014, IT IS HEREBY ORDERED THAT no certificate of appealability should issue and Defendant's Motion for Reconsideration (Doc. No. 1381) is **DENIED**.

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All Registered ECF Counsel and Parties

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